

REICH, ADELL, CROST & CVITAN

A PROFESSIONAL LAW CORPORATION

3550 WILSHIRE BOULEVARD, SUITE 2000
LOS ANGELES, CALIFORNIA 90010
TEL (213) 386-3880 • FAX (213) 386-5583
www.racclaw.com

HERSCH ADELL
PAUL CROST
ALEXANDER S. CVITAN
MARIAHNE REINHOLD
J. DAVID SACKMAN
LAURENCE S. ZAKSON

OF COUNSEL
GEORGE A. PAPPY
STEVEN T. MATTER

MARSHA M. HAMASAKI
NEELAM CHANDNA
CARLOS R. PEREZ
DEBRA S. GOLDBERG
PETER A. HUTCHINSON
ANDREW BURNBAUM
WILLIAM Y. SHEN

JULIUS MEL REICH
(1935 - 2000)

May 24, 2006

Via Facsimile & Overnight Mail**(202) 219-3923 & (202) 208-3333**

Michael E. Toner, Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: **Advisory Opinion Request 2006-19**

Dear Chairman Toner:

The Los Angeles County Democratic Central Committee, also known as the Los Angeles County Democratic Party (LACDP) and the Orange County Democratic Central Committee, also known as the Orange County Democratic Party (OCDP) are both local political party committees in the State of California. Moreover, LACDP is the entity which requested this advisory opinion.

The LACDP and OCDP request leave to file this letter as a late comment to provide a response, and supplement, to the comments already provided to the Commission. Given the short comment period and the fact that neither LACDP nor OCDP were informed of the Commission's May 23, 2006 decision to extend the deadline for comments to noon on May 24 until after 9 a.m. Pacific time (noon Eastern time) on May 24, 2006, LACDP and OCDP believe such leave is warranted.

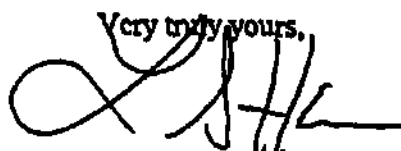
In California, county political party committees do participate in efforts to turn out voters to the polls as part of the political party's efforts to elect its nominees. However, a principal purpose of at least Democratic county political party committees is to endorse qualified Democrats running for non-partisan local office, to inform voters of those endorsements, and to generate support for these endorsed candidates. This is a goal which exists separate and apart from any intention to influence the outcome of federal elections. Voters, party activists and donors have traditionally considered these entirely local, candidate-centered activities to be non-federal. The draft advisory opinion and the even more radical position of Democracy 21 and the Campaign Legal Center (as articulated in their May 24, 2006 supplemental comments) requiring the use of federal funds to fund such activities will substantially limit the ability of local party committees to engage in this important non-federal advocacy function without any compelling

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federal interest. Accordingly, these interpretations should be rejected.

It is of note that in promulgating its post-BCRA regulations and, indeed, in its defense of the BCRA in litigation challenging the statute's constitutionality, the Commission understood that the term "get-out-the-vote" (GOTV) needed to be defined, despite Congress' failure to provide a statutory definition, because all political party activity is—at least in some abstract sense—intended to motivate citizens to vote. However, GOTV, as used in the statute, was intended to capture a more discrete subset of political party activities—activities aimed at getting identified voters to the polls. Thus, the Commission should conclude—as the LACDP urged in its request and commentators such as the Association of State Democratic Chairs, California Democratic Party, National Republican Senatorial Committee and National Republican Congressional Committee have also urged—that mailers and automated calls which refer only to specified non-federal candidates and the election date are not GOTV activities, but rather entirely non-federal candidate advocacy activities, and, consequently, that these activities may be paid for entirely with non-federal funds. See Explanation and Justification, Prohibited and Excessive Contributions: Soft Money, Final Rule, 67 Fed. Reg. 49064, 49070 (July 29, 2002).

The LACDP and OCDP hope that these supplemental comments are of use to the Commission.

Very truly yours,


Laurence S. Zakson
of REICH, ADELL, CROST & CVITAN

LSZ/ws:caw

cc: Mary Dove, Commission Secretary
Lawrence Norton, Esq., General Counsel
Eric Bauman, Chair, LACDP
Frank Barbero, Chair, OCDP

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